



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Promoting growth and facilitating provision of infrastructure, and related matters

13 Declarations negating intention to dedicate way as highway

- (1) Section 31 of the Highways Act 1980 (dedication of way as highway presumed after public use for 20 years) is amended as set out in subsections (2) to (6).
- (2) In subsection (6) (depositing of maps and statements and lodging of declarations by owner of land to negative presumed intention to dedicate)—
 - (a) in paragraph (a) omit “on a scale of not less than 6 inches to 1 mile”,
 - (b) in the words after paragraph (b)—
 - (i) omit “statutory”, and
 - (ii) after “declarations” insert “ in valid form ”, and
 - (c) in sub-paragraphs (i) and (ii) for “ten” substitute “ the relevant number of ”.
- (3) After subsection (6) insert—
 - (6A) Where the land is in England—
 - (a) a map deposited under subsection (6)(a) and a statement deposited under subsection (6)(b) must be in the prescribed form,
 - (b) a declaration is in valid form for the purposes of subsection (6) if it is in the prescribed form, and
 - (c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 20 years.
 - (6B) Where the land is in Wales—
 - (a) a map deposited under subsection (6)(a) must be on a scale of not less than 6 inches to 1 mile,
 - (b) a declaration is in valid form for the purposes of subsection (6) if it is a statutory declaration, and
 - (c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 10 years.”

Changes to legislation: There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 13. (See end of Document for details)

(4) After subsection (6B) (as inserted by subsection (3) above) insert—

“(6C) Where, under subsection (6), an owner of land in England deposits a map and statement or lodges a declaration, the appropriate council must take the prescribed steps in relation to the map and statement or (as the case may be) the declaration and do so in the prescribed manner and within the prescribed period (if any).”

(5) In subsection (7)—

- (a) for “and (6) above” substitute “, (6), (6C) and (13)”, and
- (b) for “subsection (6)” substitute “ subsections (6), (6C) and (13) ”.

(6) After subsection (12) insert—

“(13) The Secretary of State may make regulations for the purposes of the application of subsection (6) to land in England which make provision—

- (a) for a statement or declaration required for the purposes of subsection (6) to be combined with a statement required for the purposes of section 15A of the Commons Act 2006;
- (b) as to the fees payable in relation to the depositing of a map and statement or the lodging of a declaration (including provision for a fee payable under the regulations to be determined by the appropriate council).

(14) For the purposes of the application of this section to land in England “prescribed” means prescribed in regulations made by the Secretary of State.

(15) Regulations under this section made by the Secretary of State may make—

- (a) such transitional or saving provision as the Secretary of State considers appropriate;
- (b) different provision for different purposes or areas.”

(7) In consequence of the amendment made by subsection (2)(c), omit paragraph 3 of Schedule 6 to the Countryside and Rights of Way Act 2000.

Commencement Information

- I1** S. 13 in force at 25.6.2013 for specified purposes by S.I. 2013/1488, art. 4(a)
- I2** S. 13 in force at 1.10.2013 in so far as not already in force by S.I. 2013/1766, art. 3(a) (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Growth and Infrastructure Act 2013, Section 13.